CLOSED

U.S. District Court Northern District of Georgia (Atlanta) CRIMINAL DOCKET FOR CASE #: 1:23-mj-01034-JSA-1

Case title: USA v. Newsome Date Filed: 12/13/2023

Other court case number: 23-mj-733-CFH USDC - Northern Date Terminated: 12/13/2023

District of New York

Assigned to: Magistrate Judge

Justin S. Anand

Defendant (1)

Devon Newsome represented by Ross Brockway

TERMINATED: 12/13/2023 Federal Defender Program 101 Marietta Street Northwest also known as

Suite 1500 Nepp

TERMINATED: 12/13/2023 Atlanta, GA 30303 470-454-6538

Fax: 404-688-0768

Email: ross brockway@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community

Defender Appointment

Pending Counts Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts Disposition

None

Highest Offense Level

(Terminated)

None

Complaints Disposition

18:922(a)(5), 924(a)(1)(D)

Plaintiff

USA

represented by Gregory E. Radics

Office of the United States Attorney–ATL600 Northern District of Georgia 600 United States Courthouse 75 Ted Turner Dr., S.W. Atlanta, GA 30303 404–581–6265

Fax: 404-581-6181

Email: gregory.radics@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Date Filed	#	Page	Docket Text
12/13/2023			Arrest (Rule 5) of Devon Newsome (1) (tht) (Entered: 12/15/2023)
12/13/2023	1		ORDER APPOINTING FEDERAL PUBLIC DEFENDER Ross Brockway as to Devon Newsome (1). Signed by Magistrate Judge Justin S. Anand on 12/13/2023. (tht) (Entered: 12/15/2023)
12/13/2023	2		Minute Entry for proceedings held before Magistrate Judge Justin S. Anand on 12/13/2023: Initial Appearance in Rule 5(c)(3) Proceedings and Bond Hearing as to Devon Newsome (1). Defendant waives Preliminary Hearing. Waiver filed. Bond set at \$10,000. (Attachments: # 1 Arrest Warrant, # 2 Criminal Complaint) (Court Reporter FTR) (tht) (Entered: 12/15/2023)
12/13/2023	<u>3</u>		WAIVER of Rule 5 Hearings by Devon Newsome (1) (tht) (Entered: 12/15/2023)
12/13/2023	4		CJA 23 Financial Affidavit by Devon Newsome (1). (tht) (Entered: 12/15/2023)
12/13/2023	<u>5</u>		MOTION for Detention by USA as to Devon Newsome (1). (tht) (Entered: 12/15/2023)
12/13/2023	<u>6</u>		Non-Surety Bond on Rule 5(c)(3) Entered as to Devon Newsome in amount of \$ \$10,000. (tht) (Entered: 12/15/2023)
12/13/2023	7		ORDER Setting Conditions of Release as to Devon Newsome (1). Signed by Magistrate Judge Justin S. Anand on 12/13/2023. (tht) (Entered: 12/15/2023)
12/13/2023			Magistrate Case Closed. Defendant Devon Newsome terminated. (tht) (Entered: 12/18/2023)

ATTEST: A TRUE COPY CERTIFIED THIS

Date: Dec 18 2023

KEVIN P. WEIMER, Clerk

By: _____s/ T. Tran

Deputy Clerk

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MIME-Version:1.0
From:ganddb_efile_notice@gand.uscourts.gov
To:CourtMail@localhost.localdomain
Bcc:
--Case Participants: Ross Brockway (belinda_rogers@fd.org, ross_brockway@fd.org), Gregory
E. Radics (caseview.ecf@usdoj.gov, geraldine.curry-davis@usdoj.gov,
gregory.radics@usdoj.gov, usagan.criminaldocketing-courtnotices@usdoj.gov,
usagan.motionsresponse@usdoj.gov), Magistrate Judge Justin S. Anand
(ganddb_efile_jsa@gand.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:13707088@gand.uscourts.gov
Subject:Activity in Case 1:23-mj-01034-JSA USA v. Newsome Arrest - Rule 40
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U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 12/15/2023 at 9:11 AM EST and filed on 12/13/2023

Case Name: USA v. Newsome
Case Number: 1:23-mj-01034-JSA

Filer:

Document Number: No document attached

Docket Text:

Arrest (Rule 5) of Devon Newsome (1) (tht)

1:23-mj-01034-JSA-1 Notice has been electronically mailed to:

Gregory E. Radics gregory.radics@usdoj.gov, CaseView.ECF@usdoj.gov, Geraldine.Curry-Davis@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponse@usdoj.gov

Ross Brockway ross brockway@fd.org, belinda rogers@fd.org

1:23-mj-01034-JSA-1 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION FILED IN OPEN COURT U.S.D.C. - Atlanta

DEC 13 2023

Kevin P. Weimer, Clerk By Deputy Clerk

UNITED STATES OF AMERICA.

٧.

CASE NO. 1:23-mj-1034

DEVON NEWSOME, a/k/a Nepp,

Defendant.

ORDER APPOINTING COUNSEL

ROSS BROCKWAY

The above-named defendant has testified under oath or has filed with the Court an affidavit of financial status and hereby satisfied this Court that he or she is financially unable to employ counsel.

Accordingly, the FEDERAL DEFENDER PROGRAM, INC., is hereby appointed to represent this defendant in the above-captioned case unless relieved by an Order of this Court or by Order of the Court of Appeals.

Dated at Atlanta, Georgia this 13th day of December, 2023.

JUSTIN S. ANAND

UNITED STATES MAGISTRATE JUDGE

C&SSC 124-3:m000000334-NAA Document 2 Filed 12/19/23 Page 5 off 127 MAGISTRATE'S CRIMINAL MINUTES - REMOVALS (Rule 5 & 5.1) FILED IN OPEN COU

FILED IN OPEN COURT

		**			DATE.	12/13/2023	@ 2:22 p.m.
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					TIME IN	COURT: 59 N	Minutes
MAG	SISTRATE JUDGE	JUSTIN S. AN	AND C	OURTROO	M DEPUTY	CLERK: B.	Evans
CAS	E NUMBER:	. 1:23-MJ-1034	D	EFENDANT	'S NAME:	Devon News	some
AUS	Greg R	adics	D	EFENDANT	'S ATTY:	Ross Brock	way
USP	O / PTR: J. Bisho	p	()	Retained	() CJA	(x) FDP () Waived
Х	ARREST DATE	. 12/13/2023					· Control of the cont
x	Initial appearance	hearing held.			X	Defendant infor	rmed of rights.
	Interpreter sworn:	i.					
		\$	COUNSEL				
X	ORDER appointing	g Federal Defend	er as counsel for	defendant.			
	ORDER appointin	g			as couns	sel for defendar	nt.
	ORDER: defenda	nt to pay attorney	s fees as follows				
		<u>ID</u>	ENTITY / PREL	MINARY H	EARING		
	Defendant WAIVE	S identity hearing].			WAIVER	FILED
	Identity hearing H	ELD.	Def is named de	f. in indictm	ent/compla		noval to other district.
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X	Government motion						@
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X	SPECIAL CONDIT	TONS: Ho	ome detention; el	-1		or portate earlety	ONET
X	Bond filed. Defend	dant released.					
	Bond not executed	Defendant to re	emain in Marsha	l's custody.			
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	Motion to reduce/re		GRAN		D	ENIED	
Ter-	See page 2	¥				1 (1) (1)	

(m) TIME RECEIVED December 13, 2023 at 10:17:02 AM EST REMOTE CSID 4044644379 DURATION Received 4044644379 USMS USMS 10:14:06 2023-12-13 1/2 AO 442 (Rev. 11/11) Arrest Warrant UNITED STATES DISTRICT COURT for the Northern District of New York United States of America -Case No. 1:23-mj- 733 (CFH) DEVON NEWSOME a.k.a. "Nepp," ARREST WARRANT To: Any authorized law enforcement officer YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested). Devon Newsome a.k.a. "Nepp" who is accused of an offense or violation based on the following document filed with the court: Indictment Superseding Indictment ☐ Information Superseding Information Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court This offense is briefly described as follows: Transfer of a Firearm to an Out-of-State Resident, in violation of 18 U.S.C.§§ 922(a)(5), 924(a)(1)(D). Date: December 11, 2023 Issuing officer's signature City and state: Albany, NY Hon. Christian F. Hummel, U.S. Magistrate Judge Printed name and title Return This warrant was received on (date) 12/11/2023, and the person was arrested on (date) 12/13/202 Date: 12/13/2023

AO 91 (Rev. 11/11) Criminal Complaint	U.S. DISTRICT COURT - N.D. OF N.Y.
UNITED STATES DISTRICT COURT for the Northern District of New York UNITED STATES OF AMERICA	DEC 11 2023
DEVON NEWSOME a.k.a. "Nepp," Case No. 1:23-MJ	-733 (CFH)
the second production of the second s	
Defendant.	1 (v)
CRIMINAL COMPLAINT	
I, the complainant in this case, state that the following is true to the best	of my knowledge and belief.
On or about the date of May 21, 2023, in the county of Albany in the Northe	rn District of New York the
defendant violated:	
Code Section 18 U.S.C.§§ 922(a)(5), 924(a)(1)(D) Transfer of a Firearm to an Out	ption
This criminal complaint is based on these facts:	
See attached affidavit.	
	V 2
See attached affidavit. Continued on the attached sheet. Connor L Complainant	ee s signature
See attached affidavit. Connor L Complainant Connor Lee, ATF T Printed name	s signature ask Force Officer e and title
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See attached affidavit. Connor L Complainant Connor Lee, ATF T Printed name Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Crimi	s signature ask Force Officer e and title mal Procedure.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Connor Lee, depose and say under penalty of perjury as follows:

INTRODUCTION AND AGENT BACKGROUND

- 1. I respectfully make this affidavit in support of a criminal complaint charging DEVON NEWSOME a.k.a. "Nepp," aged 30, of Stockbridge, Georgia, with Transferring a Firearm to an Out-of-State Resident, in violation of 18 U.S.C. § 922(a)(5) and 924(a)(2), in that NEWSOME, a resident of Georgia who was not licensed to deal, import, manufacture, or collect firearms, willfully transferred, sold, or caused to be delivered firearms to Jabree Jones, a resident of New York not licensed to deal, import, manufacture, or collect firearms, in Albany County, New York, in the Northern District of New York, on or about May 21, 2023, knowing or having reasonable cause to believe that Jabree Jones resided in a state other than Georgia.
- 2. I have been a Task Force Officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") since July 2022. I am also a law enforcement officer with the Rotterdam Police Department ("RPD") in Rotterdam, New York since January 2014, and a detective in the RPD since August 2017.
- 3. I have received formal and informal training concerning drug and firearms investigations, federal law pertaining to drug and firearms offenses, drug and firearm identification, report writing, surveillance, and undercover operations. During my tenure with the ATF and with the RPD, I have participated in numerous firearms investigations for which I have conducted physical and electronic surveillance, executed search warrants, and reviewed and analyzed recorded conversations and records of drug and firearms traffickers. Through my training, education, and experience (including debriefing cooperating drug and firearms traffickers and straw purchasers, assisting in undercover operations, and conducting surveillance on numerous

occasions of individuals engaged in drug and firearms trafficking), I have become familiar with the manner in which drugs and firearms are stored, transported, and sold, the method of payment for such firearms and drugs, and the efforts of persons involved in such activities to avoid detection by law enforcement.

- 4. As an ATF Task Force Officer, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to firearms trafficking offenses, including violations under Title 18, United States Code, Chapter 44, related to firearms.
- 5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. Where I assert that an event took place on a particular date and time, I am asserting that it took place on or about the date and time asserted. As this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that NEWSOME has violated Title 18, United States Code, Section 922(a)(1)(B).
- 6. 18 U.S.C. § 922(a)(5) states in relevant part that: "(a) It shall be unlawful...(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a

firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes."

PROBABLE CAUSE

7. In May 2023, the United States, including the ATF, began investigating Jabree Jones for receiving and trafficking firearms into the State of New York from other states. The investigation has revealed that NEWSOME, a resident of the State of Georgia, transferred firearms to Jabree JONES, a resident of New York State, in May 2023. Both Newsome and Jones are prohibited persons and are not licensed dealers. NEWSOME knew or had reasonable cause to believe that Jones was in New York based on prior mailings between NEWSOME and JONES. The transferred firearms included a Glock pistol equipped with a machinegun conversion device that allowed it to function as a machinegun.

Newsome is Not a Licensed Dealer and a Resident of Georgia

- 8. According to criminal history records I obtained, I understand that Devon NEWSOME is a prohibited person with at least one prior conviction punishable by a term of imprisonment greater than one year. On July 16, 2015, Newsome was convicted, in Clayton County Superior Court in Georgia, of three counts of Purchase, Possession, Manufacture, Distribution, or Sale of Marijuana, in violation of Georgia Code Section 16-13-30(j), and one count of Theft by Receiving Stolen Property, in violation of Georgia Code Section 16-8-7, for which he received a sentence greater than one year. As of May 2023, Devon Newsome was a prohibited person and was not allowed to possess firearms.
- 9. An inquiry within ATF records also revealed that Devon NEWSOME did not have any license to deal, import, manufacture, or collect firearms in May 2023.

10. On November 29, and December 1, 2023, law enforcement conducted surveillance in the area of the Stockbridge, Georgia, and observed Newsome leaving a residence at 509 Sprayberry Road. At the time of the surveillance, location information associated with a cell phone with call number 404-455-5258, known to be used by Newsome, showed that the phone was in the same vicinity of Stockbridge, Georgia, where NEWSOME was observed.

Jones is Not a Licensed Dealer

- Jabree JONES has two prior convictions punishable by a term of imprisonment greater than one year including a prior conviction in the U.S. District Court for the Northern District of New York, of Conspiracy to Violate the Racketeering Influenced and Corrupt Organizations (RICO) Act, in violation of 18 U.S.C. § 1962(d), for which he was sentenced to a term of imprisonment greater than 1 year. Accordingly, as of May 2023, JONES was a prohibited person and was not allowed to possess firearms.
- 12. An inquiry within ATF records also revealed that Jabree Jones did not have any license to deal, import, manufacture, or collect firearms in May 2023.

Apple Records Show That Devon Newsome Transferred Firearms To Jones in May 2023

- 13. On October 11, 2023, the U.S. District Court for the Northern District of New York issued a search warrant authorizing the search of information associated with an Apple iCloud account with Apple ID nhnepp@gmail.com (the "Nhnepp iCloud Account"). The verified phone and FaceTime / iMessage Phone for the Nhnepp iCloud Account is 404-455-5258.
- 14. Law enforcement's search of the Nhnepp iCloud Account revealed, among other records, a chat conversation between NEWSOME, using phone number 404-455-5258, and Jabree JONES, using phone number 424-332-6700, stating as follows:

DATE/TIME (UTC+0)	SENDER	CONTENT
3/17/2023 3:53:14 PM	424-332-6700 (JONES)	Debbie teta
		313 Olean st
<u>.</u>		Schenectady ny 12306
3/20/2023 7:02:48 PM	404-552-5258 (Newsome)	Liked "Debbie teta
₽		313 Olean st
		Schenectady ny 12306"
3/20/2023 7:06:32 PM	424-332-6700 (JONES)	No signature
3/20/2023 7:06:36 PM	424-332-6700 (JONES)	Overnight
5/10/2023 4:56:37 PM	404-552-5258 (Newsome)	Just woke up
5/12/2023 5:01:56 PM	424-332-6700 (JONES)	32 knauf lane
		Albany, ny 12211
5/12/2023 5:02:06 PM	424-332-6700 (JONES)	Get that out today please
5/13/2023 3:26:18 PM	404-552-5258 (Newsome)	[Image file "IMG_3241.heic]
5/20/2023 7:15:44 PM	404-552-5258 (Newsome)	6ody guard 380
	,	Ruger 380
*** *****	1	S&w 9
		Taurus 40
· Fr		Glock 9 wit da 6utton
5/20/2023 7:16:01 PM	424-332-6700 (JONES)	Okay
5/20/2023 7:16:12 PM	424-332-6700 (JONES)	See wit 50 got
5/21/2023 6:26:48 PM	404-552-5258 (Newsome)	[Video file MOV_4982.mov]
5/21/2023 6:45:01 PM	404-552-5258 (Newsome)	[Video file MOV 2740.mov]
5/21/2023 6:45:01 PM	404-552-5258 (Newsome)	It's 29
5/21/2023 8:32:13 PM	404-552-5258 (Newsome)	6786131779

In my training and experience, the conversation starts on March 17, 2023, with JONES sending an address in Schenectady, New York, to NEWSOME, which JONES liked on March 20, 2023. On March 20, 2023, JONES further added that no signature would be required and directed NEWSOME to send the package overnight. On May 12, 2023, JONES sends NEWSOME another address in Albany, New York, and then asks NEWSOME to send the package out that day. On May 13, 2023, NEWSOME responds with the image file "IMG_3241.heic," which depicts a receipt for a United States Postal Service package sent from Forrest Park, Georgia to Albany, New York. On May 20, 2023, the chat continues when NEWSOME sends JONES

¹ U.S. Postal Service records indicate that the package with the listed tracking number was delivered on or about May 13, 2023, at 11:00 AM.

information about different types of firearms he is selling to JONES, including a Bodyguard .380, a Ruger .380 caliber pistol, a Smith & Wesson 9mm caliber pistol, a Taurus .40 caliber pistol, and a Glock 9mm handgun with a "6utton." In my training and experience, the reference to "da 6utton" means "a button," which is slang among firearms traffickers for a machinegun conversion device that can convert a firearm to automatically shoot more than one shot without manual reloading, by a single function of the trigger, also known as a machinegun. In response, JONES states okay.

16. The following day, on May 21, 2023, Newsome sends two videos to JONES. He first sent a video file named "MOV_4982," which is an approximately 16 second video depicting various firearms laid on a carpet. A screenshot taken from the video is seen below:



17. Soon after sending the video file above, NEWSOME sent another video The video file MOV_2740 mov, sent by NEWSOME to JONES, on May 21, 2023, is an approximately 40 second video depicting the same firearms laid on a carpet as the previous video file. A series of screenshots from the file named "MOV_2740.mov" is captured below, which shows the firearms

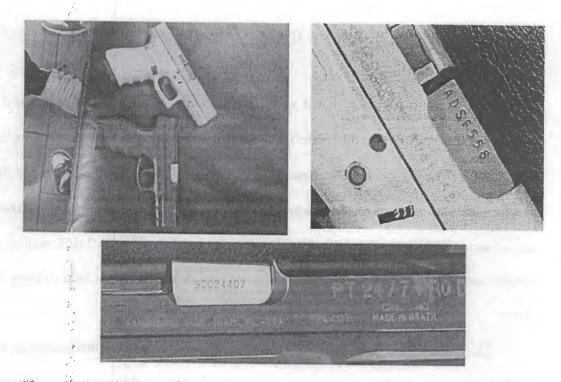
including a revolver with a wooden handle in the center bottom of the photo.



After sending those two video files, NEWSOME sent a chat message on May 21, 2023, to JONES, stating, "It's 29" and "6786131779," which in my training and experience, indicates that there were 29 firearms available for sale and visible in the video and directed JONES to contact the phone number 678-613-1779.²

18. Law enforcement's search of the Nhnepp iCloud Account also revealed an image with file name "IMG_6250.heic," with associated metadata indicating it was created on or about April 25, 2023, that depicts a Glock model pistol with serial number ADSF558 and a Taurus PT 24/7 Pro DS .40 caliber pistol bearing serial number SC024407. The original image, along with two enhanced images showing the serial numbers on the firearms are set forth below:

² AT&T records indicate that phone number 678-613-1779 is registered to Kayla Smothers, with a listed address on Biscayne Drive, Forest Park, Georgia. The listed email contact for the subscriber is listed as devonskeeper123@gmail.com. Smothers is believed to be Newsome's girlfriend and has also been observed living at an address in Stockbridge, Georgia, with Newsome in November and December 2023.



19. Law enforcement's search of the Nhnepp iCloud Account also revealed significant amounts of attribution evidence showing that the account and phone number 404-552-5258 is used and controlled by Devon NEWSOME. For example, one video, with metadata indicating that it was recorded on October 10, 2023, depicts NEWSOME, with the camera in "selfie" mode, singing to music, and contains a location tag stating "Call, La Sucursal del Cielo, De Colombia." A database query of the Treasury Enforcement Communication System (TECS) revealed that on October 8, 2023, NEWSOME traveled to Bogota, Eldorado (Bogota International Airport, Colombia) from Hartsfield-Jackson Atlanta, GA International Airport, and travelled back from Colombia to Georgia on October 11, 2023. Flight confirmation details from air carriers for Newsome's travel to Colombia were also found in the Nhnepp iCloud Account.

Search Warrant Executed at the Western Ave Property Finds Firearms Linked to NEWSOME

20. On May 23, 2023, law enforcement, including members of the Drug Enforcement Administration (DEA) and the ATF, executed a federal search warrant issued by the U.S. District

Court for the Northern District of New York at 1434 Western Avenue, in Albany, New York (the "Western Ave Property").

- 21. Law enforcement found significant quantities of pills containing fentanyl and methamphetamine, as well as 34 firearms and assorted ammunition in the apartment, including firearms in both bedrooms of the apartments, as well as in the safe where the drugs were found. Among other firearms, law enforcement found a Glock model pistol with serial number ADSF558 and a Taurus PT 24/7 Pro DS 40 caliber pistol bearing serial number SC024407, matching the firearms and serial numbers identified in the photo found on the Nhnepp iCloud Account noted above.
- 22. Law enforcement also found two Taurus firearms in their original packaging, which matches with the two video files depicting two Taurus firearms in their original packaging that NEWSOME sent to JONES on May 21, 2023.
- Ave Property with a cracked handle that appeared to be repaired with a unique streak on the handle, which also matches the appearance of a revolver in the video sent by NEWSOME to JONES. A photograph of the Ruger recovered at the Western Ave Property on May 23, 2023, is seen below:



24. At the Western Ave Property, law enforcement also found a Polymer 80 privately made firearm, with a unique light on the front along with a unique gold barrel. The unique characteristics of the firearm match a firearm depicted in the video sent by NEWSOME to JONES on May 21, 2023. A photograph of the Polymer 80 privately made firearm recovered at the Western Ave Property on May 23, 2023, is seen below:



- 25. Law enforcement also found a Glock, Model 22, .40 caliber pistol, bearing serial number CWG293US, with a loaded extended magazine (the "Glock 22"), along with three other firearms, in the fridge in the rear bedroom.
- 26. I have been informed by an agent for the ATF that several of the firearms found at the Western Ave Property, including the Glock model pistol with serial number ADSF558 and a Taurus PT 24/7 Pro DS .40 caliber pistol bearing serial number SC024407, were manufactured outside of the State of New York.
- ATF trace reports and related police reports, show that several of the firearms recovered at the Western Ave Property were previously purchased and reported stolen outside of New York, including Georgia. For example, ATF records show that one firearm recovered in the safe at the Western Ave Property—a Taurus, Model G2C, 9mm caliber pistol, bearing serial number ABA254732—was purchased on March 14, 2020, in Georgia, and was reported stolen out of Georgia, on March 18, 2023.

Ammunition Technology Division, examined the Glock Model 22, .40 caliber pistol, bearing serial number CWG293US ("Glock 22"), that was recovered at the Western Ave Property. FEO Hawes determined that the Glock 22 had been modified by the replacement of a slide cover plate, with a machinegun conversion device ("MGCD") to convert the semiautomatic pistol into a machinegun. Upon test firing and conducting further analysis, FEO Hawes concluded that the Glock 22, with the MGCD installed, is a weapon that shoots, automatically more than one shot, without manual reloading, by a single function of the trigger, and is therefore classified as a machinegun. Based on this information, I believe that the Glock 22 found at the Western Ave Property was the "Glock with da 6utton" referenced by NEWSOME in his chat message with JONES.

Probation Search at JONES' Residence Finds Three Phones

- 29. The U.S. Probation Office also executed a probation search on May 23, 2023, at the reported residence of Jabree JONES at 21 Sacandaga Road in Glenville, New York. During the search, U.S. Probation found \$50,000 in cash located hidden in a closet, a set of keys that included keys to the Western Ave Property, and three cell phones—an Apple iPhone SE bearing call number 424-332-6700; an Apple iPhone 13 Mini bearing call number 518-937-0346; and an Apple iPhone 8 bearing call number 404-502-4395.
- 30. The Apple iPhone SE bearing call number 424-332-6700 was subsequently searched and found to contain the same chat conversation between NEWSOME and JONES described in paragraphs 14 to 17 above.
- 31. U.S. Probation was able to use the keys found at JONES' residence to obtain access to the Western Ave Property. Based on the keys that were found by Probation at his residence that gave him access to the drugs and guns found at the Western Ave Property and other surveillance

done of the Western Ave Property showing that JONES had access, custody, and control over the property, I believe that Jabree JONES had constructive possession of all the firearms and drugs found at the Western Ave Property.

32. JONES was also observed entering the Western Ave Property on May 22, 2023, and was required to stay within the Northern District of New York while under supervision.

CONCLUSION

- 33. Based on the above information, there is probable cause to believe that on or about May 21, 2023, in Albany County, New York, in the Northern District of New York, and elsewhere, DEVON NEWSOME, a resident of Georgia not licensed to deal, import, manufacture, or collect firearms, transferred, sold, or caused to be delivered firearms to Jabree JONES, a resident of New York not licensed to deal, import, manufacture, or collect firearms, in Albany County, New York, in the Northern District of New York, and NEWSOME knew or had reasonable cause to believe that Jabree Jones resided in a state other than Georgia.
- 34. I respectfully request that a criminal complaint be issued pursuant to this violation of federal law.

Attested to by the Affiant:

Connor Lee

Connor Lee

Task Force Officer

Bureau of Alcohol, Tobacco, Firearms & Explosives

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on December 2023 in accordance with Rule 41 of the Federal Rules of Criminal Procedure.

Hon. Christian F. Hummel United States Magistrate Judge

FILED IN OPEN COURT U.S.D.C. - Atlanta

UNITED STATES DISTRICT COURT

DEC 13 2023

for the

Northern District of Georgia

Kevin P Weimer, Clerk By

et .		
United States of America)	
v,	Case No. 1:23-mj-1034	
Devon Newsome, a/k/a Nepp)	
	Charging District's Case No.	1:23-mj-733
Defendant)	

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I	have been charged in another	district, the (name of other court)	
:			***************************************

I have been informed of the charges and of my rights to:

Northern District of New York

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 10 days of my first appearance if I am in custody and 20 days otherwise unless I am indicted to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

an identity hearing and production of the warrant.

a preliminary hearing.

a detention hearing.

an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 12/13/2023

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

FILED IN OPEN COURT

U.S.D.C. - Atlanta

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

DEC 13 2023

Kevin P Weimer, Clerk By Deputy Clerk

UNITED STATES OF AMERICA

v.

DEVON NEWSOME

Criminal Action No. 1: 23- hJ- 1034

Government's Motion for Detention Pending Trial

The United States of America, by counsel, Ryan K. Buchanan, United States Attorney, and Gregory E. Radics, Assistant United States Attorney for the Northern District of Georgia, moves for detention under 18 U.S.C. § 3142, asks leave of Court to supplement this motion with additional grounds or presumptions for detention, and requests that the Court conduct a hearing (check one):

M	at initial	appearance;	OR
	at Hillian	appearance,	-

□ after a continuance of ___ (insert number, up to 3) days.

Eligibility of Case

This case is eligible for a detention order because it involves (check all that apply):

- ☐ A crime of violence as defined in 18 U.S.C. § 3156(4)*;
- ☐ A violation of 18 U.S.C. § 1591 (sex trafficking of children);*†
- □ A federal crime of terrorism listed in 18 U.S.C. § 2332b(g)(5)(B) with a statutory maximum of 10 years or more;*†
- ☐ An offense having a maximum sentence of life imprisonment or death;*
- ☐ An offense in the Controlled Substances Act (21 U.S.C. § 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.), or Chapter 705 of Title 46 with a statutory /maximum of 10 years or more;*†
- Any felony, if the defendant has been convicted of 2 or more offenses described above or 2 or more state or local offenses that would have been offenses described above if a circumstance giving rise to federal jurisdiction had existed, or a combination of such;*
- Any felony that is not otherwise a crime of violence that involves a minor victim, the possession or use of a firearm or destructive device (including 18 U.S.C. § 924(c)†), or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250;*
- ☐ A serious risk that the defendant will flee;

^{*} These offenses are described in 18 U.S.C. § 3142(f)(1).

[†] These offenses qualify for the rebuttable presumption under 18 U.S.C. § 3142(e)(3), as do: 1) any offense under Title 18, Chapter 77 (§§ 1581-1597, concerning peonage, slavery, and trafficking in persons) with a statutory maximum of 20+ years; 2) any offense under 18 U.S.C. §§ 956(a) (domestic conspiracy to kill, kidnap, maim or injure abroad), or 2332b (international terrorism); and 3) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

	A serious risk that the defendant will obstruct or attempt to obstruct justice, or threaten,
	injure, or intimidate a prospective witness or juror, or attempt to do so.
	Rebuttable Presumptions (check any that apply)
	The United States hereby invokes the rebuttable presumption under 18 U.S.C. § 3142(e)(3) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. (Invoke only if a qualifying offense described above is charged.)
	The United States hereby invokes the rebuttable presumption under 18 U.S.C. § 3142(e)(2), which applies in certain situations where a defendant has previously committed an offense while on bond. It applies here because defendant is now charged with an offense described in 18 U.S.C. § 3142(f)(1), previously committed a different offense described in 18 U.S.C. § 3142(f)(1) (or a state law analog of such an offense) while on bond, and no more than 5 years have elapsed since the later of the conviction for said offense and the release of the defendant from imprisonment for same. Reasons for Detention
	The Court should detain defendant because there are no conditions of release that will
re	sonably assure (check all that apply):
	the appearance of the person as required;
M	the safety of any other person and the community.
	Additional Information
	Respectfully submitted,
10	ited: Delember 13, 2023. Prank BITCHANIAN
D	rted:
	United States Attorney
7	Ted Turner Drive S.W., Suite 600
	lanta, Georgia 30303-3309 GREGORY E. RADICS
	one: (404) 581-6000 Assistant United States Attorney
F	x: (404) 581-6181 Ga. Bar No. 591724
	Certificate of Service
	The U.S. Attorney's Office served this document today by handing a copy to defense counsel:
	Ross Brockway
	Je(emw/3, 2023 /s/ Gregory E. RADICS

UNITED STA	ATES DISTRIC	CT COURT	FILED IN OPEN COURT
NORTHERN	District of	GEOI	U.S.D.C Atlanta
:			DEC 1 3 2023
UNITED STATES OF AMERICA			
V. ,			Kevin P. Weimer, Clerk By Deputy Clerk
	APPEAI	RANCE AND CO	MPLIANCE BOND
DEVON NEWSOME			
Defendant	Case No.	1:23-mj-1034	
Non-surety: I, the undersigned defendant a	cknowledge that I and	d my	
Surety: We, the undersigned, jointly and se personal representatives, jointly and severally, are be	everally acknowledge	that we and our	the gum of
\$, and there	has been deposited in	the Registry of the Co	ourt the sum of
	ther security.)		
The conditions of this bond are that the defe	ndant, Devon News	ome (Name)	
is to (1) appear before this court and at such other pla and all orders and directions relating to the defendar condition of defendant's release as may be ordered or the defendant may be held to answer or the cause train and (3) abide by any judgment entered in such matter or direction in connection with such judgment. It is agreed and understood that this is a continuous until such time as the undersigned are exon. If the defendant appears as ordered or notification, then this bond is to be void, but if the defendament of this bond shall be due forthwith. Forfeiture United States District Court having cognizance of the forfeited and if the forfeiture is not set aside or rendistrict Court against each debtor jointly and several execution may be issued and payment secured as proof the United States. This bond is signed on 12 13 202	ant's appearance in the notified by this court asferred; (2) comply were by surrendering to senting bond (including erated. The senting bond (including erated) and otherwise obey and for any the above entitled mathematically for the amount abovided by the Federal	any proceeding on appears and performs the for breach of its conditions of relative any sentence impositions and performs the for breach of its condition ter at the time of such the proceeding on more over stated, together we have been proceeding on more over the process of t	tes District Court to which ease imposed by the court, sed and obeying any order eal or review) which shall pregoing conditions of this onditions, payment of the ms may be declared by any breach and if the bond is it ion in such United States with interest and costs, and cedure and any other laws
Defendant X flu fluid	Address	504 Spray	berry dr
Surety	Address	Stockbridge,	GA
Surety	Address		
Signed and acknowledged before me	12/13/202	3	
	Date	B - 1	
		Judg	e/Clerk
Approved Judge Officer			

Page	1	of	3	Pages
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FILED IN OPEN COURT U.S.D.C. - Atlanta

UNITED STATES DISTRICT COURT

DEC 13 2023

	,		Kevin PaWeimer, Clerk
	NORTHERN	District of	GEORGIA Derputy Clerk
	United States of America		
			ORDER SETTING CONDITIONS
	V. ,		OF RELEASE
	Devon Newsome	Case N	Number: 1:23-mj-1034
	Defendant		Number: 1.25-IIIJ-1054
IT IS OR	DERED that the release of the defendant is	subject to the following	ng conditions:
(1)	The defendant shall not commit any of	fense in violation of fe	ederal, state or local law while on release in this case.
(2)	The defendant shall immediately advis address and telephone number.	e the court, defense co	ounsel and the U.S. attorney in writing before any change in
(3)	The defendant shall appear at all proce	edings as required and	shall surrender for service of any sentence imposed as
	directed. The defendant shall appear a	t (if blank, to be notifi	ed) Northern District of New York - 445 Broadway Place
	Albany, NY 12207 – Judge Hummel	on Thursday, Dece	
			Date and Time
	Release on Per	rsonal Recognizano	e or Unsecured Bond
IT IS FUI	RTHER ORDERED that the defendant be r	eleased provided that:	
(4)	The defendant promises to appear at all I	proceedings as require	d and to surrender for service of any sentence imposed.
(5)	Ten Thousand		efendant to pay the United States the sum of dollars (\$\frac{10,000.00}{1000.00}\$) in the event
	of a failure to appear as required or to s	surrender as directed for	or service of any sentence imposed.
	:		
	·		
	у 3 ⁷ 1		

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ADDITIONAL CONDITIONS OF RELEASE

T IS FURT	on finding that release HER ORDERED that The defendant is place	t the defendant's release is s	ods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, subject to the conditions marked below:
۵ (// I	Person or organiza		
		bove is an organization)	
	City and state	ř	Tel. No. (only if above is an organization)
vho agrees roceedings	(a) to supervise the de and (c) to notify the	efendant in accordance with court immediately if the def	h all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court fendant violates any condition of release or disappears.
(8)	The defendant must:	<i>i</i> .	Signed: Custodian or Proxy Date
67	(a) report to [THE Parties	
(34)		JU.S. Pretrial Svcs.;	
		aving the Courthouse;	□ within hours of release from custody, or
	□ r	no later than:	Defendant shall follow all instructions of the supervising officer.
	(b) execute a bond of	or an agreement to forfeit up	on failing to appear as required the following sum of money or designated property:
	(c) post with the cou	art the following proof of ov	wnership of the designated property, or the following amount or percentage of the above-described sum
	(d) execute a bail bo	and with solvent sureties in t	the amount of \$ \(\text{ (e) maintain or actively seek lawful, verifiable employment.} \)
	maintain or com	mence an education progran	n.
	(g) surrender any pa		etrial Services Probation
7	(h) not obtain or pos	ssess a passport or other trav	vel documents in your name, another name or on behalf of third persons, including minor children.
	(1) abide by the foll	owing restrictions on persor	nal association, place of abode, or travel: Do not change your address, telephone number or place of
	/ services/prob	ation supervisor.	employment without prior permission of your pretrial
1			any person who is or may become a victim or potential witness in the investigation or
		including but not limited to:	
		or psychiatric treatment:	
			clock after being released each (week) day at o'clock for employment, schooling, or the following purpose(s):
			mmunity corrections center, as the pretrial services office or supervising officer considers necessary, and abide
		nd regulations of said facilit	
	(n) not possess a fire	earm, destructive device, or	other dangerous weapons or ammunition.
	(e) refrain from	() any () excess	sive use of alcohol.
	, medical pra-	ctitioner.	ug or other controlled substances defined in 21 U.S.C. § 802, unless lawfully prescribed by a licensed
	testing may be substance scr	e used with random frequency eening or testing. The defend	services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any y and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited dant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy on the original property of the control of the contro
d	(r) participate in a pr	ogram of inpatient or outpa	atient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it
	advisable		AND THE PROPERTY WAS COLUMN TO STREET AND THE PROPERTY OF THE
	officer instruc	ets.	monitoring program components and abide by its requirements as the pretrial services officer or supervising
	(ii) Home	Detention. You are restrict treatment; attorney visits; c	ur residence every day from to, or as directed by the pretrial services office or supervising officer; or sted to your residence at all times except for employment; education; religious services; medical, substance abuse, or court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or
	□(iii) Home	Incarceration. You are re	estricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities
Ø	(t) submit to the loc	pproved by the court. ation monitoring indicated b	below and abide by all of the program requirements and instructions provided by the pretrial services officer or
	The defer	fficer related to the proper of andant must pay all or part of	peration of the technology. of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer
	determines.	on monitoring technology o	is directed by the pretrial services office or supervising officer;
		Frequency (RF) monitoring	
		ve Global Positioning Satell	
			ite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
		Recognition monitoring.	(1111, 1111,
Ø		-	es office or any supervision officer any contact with law enforcement personnel, including but not limited to any
	arrest, question	oning or traffic stop.	
₫	(v) not travel outsi	de the Northern District o	of Georgia without prior permission from your supervising Pretrial/Probation officer.
	(w) My release sha	ll be supervised by the US	PS Officer and shall follow the instructions of my supervising officer.
			1 the Mily of other

Page 3 of 3	Pages
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Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

acknowledge that I am the defendant	in this case and that I am aware of the conditions of release. I promise to obey all conditions
of release, to appear as directed, and to surre	der for service of any sentence imposed. I am aware of the penalties and sanctions set forth
above.	1. //
	1/2-
	X 17
	Signature of Defendant
kir .	Signature of Defendant
:	TOA 5
•	309 Spryberry dr
	Address
b	Stockbroke, 6A
F	Stockholde Lit
E.	City and State / Telephone

Directions to United States Marshal

The left to the opposite to	
The defendant is ORDERED released after processing.	
☐ The United States marshal is ORDERED to keep the defendant in custod	dy until notified by the clerk or judge that the defendant
has posted bond and/or complied with all other conditions for release. judge at the time and place specified, if still in custody.	The defendant shall be produced before the appropriate
Date: 12-13-23	
	Signature of Judicial Officer
y .	

JUSTIN S. ANAND, U. S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

```
MIME-Version:1.0
From:ganddb_efile_notice@gand.uscourts.gov
To:CourtMail@localhost.localdomain
Bcc:
--Case Participants: Ross Brockway (belinda_rogers@fd.org, ross_brockway@fd.org), Gregory
E. Radics (caseview.ecf@usdoj.gov, geraldine.curry-davis@usdoj.gov,
gregory.radics@usdoj.gov, usagan.criminaldocketing-courtnotices@usdoj.gov,
usagan.motionsresponse@usdoj.gov), Magistrate Judge Justin S. Anand
(ganddb_efile_jsa@gand.uscourts.gov)
--Non Case Participants: File Clerks (ganddb_file_clerks@gand.uscourts.gov)
--No Notice Sent:

Message-Id:13710293@gand.uscourts.gov
Subject:Activity in Case 1:23-mj-01034-JSA USA v. Newsome Termination of Magistrate Case
Content-Type: text/html
```

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 12/18/2023 at 7:59 AM EST and filed on 12/13/2023

Case Name: USA v. Newsome
Case Number: 1:23-mj-01034-JSA

Filer:

Document Number: No document attached

Docket Text:

Magistrate Case Closed. Defendant Devon Newsome terminated. (tht)

1:23-mj-01034-JSA-1 Notice has been electronically mailed to:

Gregory E. Radics gregory.radics@usdoj.gov, CaseView.ECF@usdoj.gov, Geraldine.Curry-Davis@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponse@usdoj.gov

Ross Brockway ross brockway@fd.org, belinda rogers@fd.org

1:23-mj-01034-JSA-1 Notice has been delivered by other means to: